

**Course syllabus**

<b>Subject name</b>	Administrative and Regulatory Law
<b>Field of study</b>	Administrative Law, EU Law, Regulation, Competition Law
<b>ECTS credits</b>	3
<b>Semester</b>	2 (Spring)
<b>Language</b>	English
<b>Professor/s</b>	José Carlos Laguna de Paz
<b>Department</b>	Public Law (Administrative Law)
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**1. Description**

This course aims to provide the students with the legal framework of economic regulation, including competition law. Regulation covers not only access to the market, but also supervision and the government response in areas where market competition is not considered sufficient to achieve the desired regulatory outcomes. We will focus on the principles of regulation (the principle of legality, the role of regulatory bodies, administrative discretion and judicial review). We will also deal with the basic tools of administrative intervention (licenses, public procurement, inspections, resolution powers, administrative sanctions, etc.). Principles and administrative tools will be tested in the legislation and practice of public utilities and services of general economic interest (energy, telecommunications, transports, financial sector, media, etc.).

**2. Course learning objectives**

Students should be able to:

1. Understand the rationale of regulation and competition law.
2. Understand the different legal and regulatory systems, particularly the so called civil law and common law systems.
3. Understand the current multi-level regulation, which is made at international, European and national level.
4. Deepen the understanding of the basic principles of administrative law.
5. Achieve a sound understanding of administrative discretion and judicial review.
6. Deepen the understanding of public services, regulated sectors, services of general economic interest and network industries.



### 3. Contents / Programme

#### **First Part.- MARKET ECONOMY AND MARKET REGULATION**

- Chapter 1. Market Economy
- Chapter 2. Market regulation
- Chapter 3. Regional integration: EU law
- Chapter 4. Globalisation: international law

#### **Second Part.- LEGALITY, ADMINISTRATIVE DISCRETION AND JUDICIAL REVIEW**

- Chapter 5. The role of Legislature
- Chapter 6. The role of Administration
- Chapter 7. Independent administrative authorities
- Chapter 8. Administrative discretion and judicial review

#### **Third Part.- REGULATION AND COMPETITION LAW**

- Chapter 9. Access to the market
- Chapter 10. Regulatory and supervisory powers
- Chapter 11. Competition law
- Chapter 12. Administrative sanctions

#### **Fourth Part.- PUBLIC PROVISION OF GOODS AND SERVICES**

- Chapter 13. Public services
- Chapter 14. State-owned corporations

#### **Fifth Part.- STATE AIDS**

- Chapter 15. State aids

#### **Sixth Part.- NON-CONTRACTUAL LIABILITY**

- Chapter 16. Non-contractual liability

### 4. Bibliography

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- BALDWIN, ROBERT, MARTIN CAVE, MARTIN LODGE. «The Future of Regulation». *The Oxford Handbook of Regulation*, Robert BALDWIN, Martin CAVE and Martin LODGE. Oxford University Press, 2010.
- *Understanding Regulation*. Second Edition. Oxford University Press, 2012.
- CRAIG, Paul, *Administrative Law*. 7 th edition. Sweet&Maxwell, 2012.
- *EU Administrative Law*. 2 nd Edition. Oxford University Press, 2012.
- «Judicial Review and Anxious Scrutiny: Foundations, Evolution and Application.» *Public Law*, no. 1 (2015): 60-78.
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LEYLAND, Peter, ANTHONY, Gordon, *Administrative Law*, 8<sup>th</sup> edition, Oxford, 2012.

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- «Some implications of the new global digital economy for financial regulation and supervision», *Journal of Banking Regulation*, 2022 [<https://link.springer.com/article/10.1057/s41261-022-00189-1>].
- «Basic Foundations of the Administrative State», Regblog, University of Pennsylvania, 8.6.2021 [<https://www.theregreview.org/2021/06/08/laguna-de-paz-basic-foundations-administrative-state/>].
- «Administrative and judicial review of EU supervisory decisions in the banking sector», *Journal of Banking Regulation*, 2019, vol. 20, issue 2: 159-173.
- «Discretion and Judicial Review in the European Environmental Law», Hebler, T., Hofmann, E, Proelss, A., Reiff, A., *Protecting the Environment for future generations. Principles and Actors in International Environmental Law*, Erich Schmidt Verlag, Berlin, 2017, 27-60.
- «What to keep and what to change in European electronic communications policy?» *Common Market Law Review* 49, no. 6 (2012): 1951-1975.
- «Understanding the limits of judicial review in European competition law.» *Journal of Antitrust Enforcement*, 2, no. 1 (2014): 203-224.
- «Protecting the Environment without Distorting Competition.» *Journal of European Competition Law & Practice*, 3, no. 3 (2012).
- «In Search of Efficiency in Telecoms. Agreements Between Undertakings in European Competition Law», *Competition and Regulation in Network Industries*, 15 (2014): 357-381.
- «Regulation and Competition Law», *European Competition Law Review*, Issue 2, 2012, 77-83.

WHISH, Richard, David BAILEY. *Competition Law*. 7th Edition. Oxford University Press, 2012.

## 5. Workload distribution

Activities	Hours
Classroom-based activities (Lectures, seminars and practical sessions)	20
Guided activities	10
Independent study	30
<b>Total</b>	<b>60</b>

## 6. Assessment criteria



TOOLS	%	OBSERVATIONS
Ongoing assessment	80%	Class participation, practical exercises, case studies, online activities.
Final exam	20%	Test, short essay or presentation

